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0430

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors:

James F. Zucherman, et al.

Appl. No.:

10/037,236

Confirm. No.:

Unknown

Filed:

November 9, 2001

Title: INTER-SPINOUS PROCESS IMPLANT AND METHOD
WITH DEFORMABLE SPACERPATENT APPLICATIONArt Unit: Unknown
Examiner: UnassignedCustomer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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(Attorney Signature)

Scott D. Sanford, Reg. No. P51,170
Signature Date: January 23, 2002

TRANSMITTAL LETTER

Commissioner for Patents
Washington, DC 20231

Sir:

Transmitted herewith is an Information Disclosure Statement under 37 C.F.R. §1.56. No fee is required with this communication.

- The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: 1.23.02

By:

Scott D. Sanford
Reg. No. P51,170

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Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: James F. Zucherman, et al.
Appl. No.: 10/037,236
Confirm. No.: Unknown
Filed: November 9, 2001
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WITH DEFORMABLE SPACER

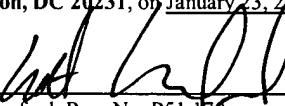
PATENT APPLICATION

Art Unit: Unknown
Examiner: Unassigned

Customer No. 23910

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(Attorney Signature)

Scott D. Sanford, Reg. No. P51,100
Signature Date: January 23, 2002

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
Washington, DC 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Notwithstanding anything stated herein, a copy of each of the references listed herein is attached to this disclosure.

This disclosure may include references previously cited. However, these references are attached hereto for completeness.

Enclosed with this statement are the following:

- Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.

- A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).
- Copies of the International Search Reports dated November 16, 2001 and November 19, 2001 and cited references..

This statement should be considered because:

37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER DUBB MEYER & LOVEJOY LLP

Date: 1.23.02

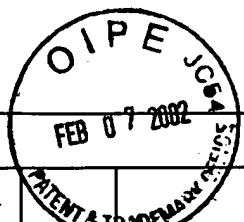
By: 
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Form PTO-1449 (Substitute)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number KLYC-01056US8	Serial/Patent Number 10/037,236
			Applicant/Patent Owner Zucherman et al.	
			Filing/Issue Date November 9, 2001	Group Art Unit: Unknown
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use several sheets if necessary)</i>				

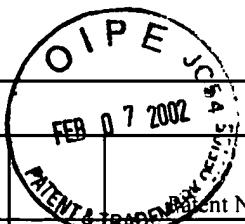
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	U1	6,234,705 B1	5-2001	Troxel			
	U2	6,156,067	12-2000	Bryan et al.			
	U3	6,113,639	9-2000	Ray et al.			
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	U26 5,534,029	7-1996	Shima			
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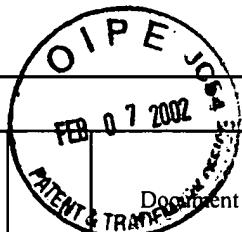
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Examiner Initial	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	U55 5,047,055	9-1991	Bao et al.			
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	U57 5,026,373	6-1991	Ray et al.			
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	U88 4,369,769	1-1983	Edwards			
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	U95 2,677,369	5-1954	Knowles			

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F1	WO 01/28442 A1	4-2001	PCT			*
F2	WO 00/04851	2-2000	PCT			✓
F3	WO 00/13620	3-2000	PCT			✓
F4	WO 00/13619	3-2000	PCT			✓
F5	FR 2782911 A1	3-2000	France			✓
F6	FR 2780269 A1	12-1999	France			✓
F7	WO 99/59669	11-1999	PCT			✓
F8	WO 99/42051	8-1999	PCT			*
F9	WO 99/40866	8-1999	PCT			*
F10	WO 99/26562	6-1999	PCT			*
F11	WO 98/48717	11-1998	PCT			*
F12	EP 0767636 B1	4-1997	EPO			✓
F13	FR 2722980 A1	2-1996	France			✓



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Examiner Initial	Document Number	Publication Date	Country	Class	Subclass	Trans-lation Yes No
F14	EP 0677277 A2	10-1995	EPO			✓
F15	FR 2717675	9-1995	France			✓
F16	FR 2707864 A1	1-1995	France			✓
F17	WO 94/26192	11-1994	PCT			*
F18	WO 94/21185	9-1994	PCT			✓
F19	FR 2681525 A1	3-1993	France			*
F20	WO 91/16018	10-1991	PCT			✓
F21	2015507	1-1991	Canada			✓
F22	WO 90/00037	1-1990	France			✓
F23	SU 1484348 A1	6-1989	Soviet Union			*
F24	EP 322334 A1	12-1988	EPO			*
F25	DE 2821678 A1	4-1980	Germany			*
F26	EP 146347 A1	12-1984	EPO			*
F27	EP 140790 A2	10-1984	EPO			✓
F28	DE 3113142 A1	1-1982	Germany			✓

* English Abstract attached

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

O1	Minns, R.J., et al., <i>Preliminary Design and Experimental Studies of a Novel Soft Implant for Correcting Sagittal Plane Instability in the Lumbar Spine</i> , SPINE Volume 22, Number 16, pp.1819-1825, © 1997, Lippincott-Raven Publishers
O2	Waldemar Link, brochure entitled <i>Wirbelsäulen-Chirurgie: Instrumentarium Und Implantate Zur Wirbelsäulen-Chirurgie</i> (Spinal Surgery: Instrumentation and Implants for Spinal Surgery), Waldermar Link, Hamburg, Germany
O3	Haruo Tsuji, et al., <i>Ceramic Interspinous Block (CISB) Assisted Anterior Interbody Fusion</i> , Journal of Spinal Disorders, Vol.3, No.1, pp.77-86, ©1990 Raven Press, Ltd., New York
O4	Richard W. Porter, MD, FRCS, FRCSE, <i>Spinal Stenosis and Neurogenic Claudication</i> , SPINE Volume 21, Number 17, pp.2046-2052, ©1996, Lippincott-Raven Publishers

Examiner

Date Considered

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*1 = Copy not submitted because it was submitted in prior application SN /_____, filed _____, 20_____, relied on under 35 USC §120.

*2 = Copy not submitted because it was submitted in prior application SN /_____, filed _____, 20_____, relied on under 35 USC §120.